

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	CASE NO. 1:23-cr-00457
)	
Plaintiff,)	JUDGE DAVID A. RUIZ
)	
vs.)	ORDER ACCEPTING PLEA
)	AGREEMENT, JUDGMENT AND
KENNETH TIMBERLAKE,)	REFERRAL TO U.S. PROBATION
)	OFFICE
Defendant.)	
)	

This case is before the Court on a Report and Recommendation (R&R) filed by United States Magistrate Judge James E. Grimes, Jr. regarding the change of plea hearing of Kenneth Timberlake which was referred to the Magistrate Judge with the consent of the parties.

On August 23, 2023, the Government filed a 37 count Indictment, charging Defendant Kenneth Timberlake in Count one with Conspiracy to Engage in the Business of Importing, Manufacturing, or Dealing in Firearms Without a License, in violation of 18 U.S.C. § 371; in Count 5 with Engaging in the Business of Importing, Manufacturing, or Dealing in Firearms without a Federal Firearms License, in violation of 18 U.S.C. § 922(a)(1)(A), and 924(a)(1)(D) and 2; in Count 8 with Conspiracy to Engage in Firearms Trafficking, in violation of 18 U.S.C. § 933(a)(1) and (3); in Count 13 with Trafficking in Firearms, in violation of 18 U.S.C. § 933(a)(1) and 2; and, in Count 30 with Felon in Possession of a Firearm, in violation of 18 U.S.C. § 922(g)(1) and 924(a)(8). Defendant Kenneth Timberlake was arraigned on August 30, 2023, during which he entered a plea of not guilty to the charges. On June 11, 2024, Magistrate Judge James E. Grimes, Jr. received Defendant Kenneth Timberlake's plea of guilty to Count

eight of the Indictment, with a written plea agreement, and issued the R&R, concerning whether the plea should be accepted and finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the fourteen days after it was issued.

On de novo review of the record, the Magistrate Judges R&R is adopted. Defendant Kenneth Timberlake is found to be competent to enter a plea and to understand his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Defendant Kenneth Timberlake is adjudged guilty of Count eight of the Indictment, with Firearms Trafficking Conspiracy, in violation of Title 18 U.S.C. § 933(a)(3). This matter was referred to U.S. Pretrial Services and Probation Office for the completion of a pre-sentence investigation and report. Sentencing will take place on October 2, 2024, at 10:00 a.m. in Courtroom 17B, Carl B. Stokes United States Court House, 801 West Superior Avenue, Cleveland, Ohio.

IT IS SO ORDERED.

s/ David A. Ruiz October 1, 2024
DAVID A. RUIZ
UNITED STATES DISTRICT JUDGE